

U. S. BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

ABINGDON CALENDAR - OCTOBER 15, 2002

(The Honorable William F. Stone, Jr. Presiding)

(Start: _____ Recess: _____ ♦ Resume: _____ Stop: _____ ♦ Trials: _____ Proceedings _____)

Attys:	Debtors:	Case Nos.:	Trustee
<u>9:30 A.M. - PRETRIAL CONFERENCES</u>			
Carmody	MAURICE & GENEVA WALTERS A/P 7-02-00124: determine validity, priority of extent of lien Debtors v. Conseco Finance – Summons reissued (new party defendant added by amendment to complaint); new p-t date 11/13 @ 9:30 as to all defendants	7-02-00265	S _____ 11/13
Timoney	LARRY & PEGGY PARRIS A/P 7-02-00128: Det. Validity priority or extent of litn Debtors v. EMC Mortgage Corporation <i>Ch 13 conf & obj to plan of EMC contd to 10/30 @ 1</i>	7-02-02448	Widener/JM
Beck	ANTAEUS TECHNICAL SERVICES A/P 7-02-00029: Continued pre-trial conference from 6/5 Robt T. Copeland, Trustee (Esposito) v. VBS Investments PTY Ltd aka VBS PTY LTD (Calvin Smith)	7-99-02114	Copeland/Esposito/
–n/a	GRAYSON MOUNTAIN WATER CO. - Ch. 7 A/P No. 7-02-00068: Recover money or property; final pre-trial conf. Robert E. Wick, Jr., Trustee (Scott/Callahan) v. Gene Gieselmann (Esposito)	7-01-03363	Wick
	A/P No. 7-02-00069: Recover money or property; final pre-trial conf. Robert E. Wick, Jr., Trustee (Scott/Callahan) v. Roger J. Catarino & Linda P. Catarino (Lamie)		
	A/P No. 7-02-00071: Recover money or property; final pre-trial conf. Robert E. Wick, Jr., Trustee (Scott/Callahan) v. Charles Campbell & Lisa Campbell (Lamie)		
	A/P No. 7-02-00074: Recover money or property; final pre-trial conf. Robert E. Wick, Trustee v. Thomas Pagnozzi & Colleen Pagnozzi (Esposito), Michael L. Zupan, D/T Trustee (Esposito)& James C. Brennan, D/T Trustee (Esposito)		
	A/P 7-02-00072: Obtain declaratory judgment - final pre-trial conf. Robert E. Wick, Jr., Trustee (Callahan) v. John Woods (L. Tavenner)		

10:00 A. M. - MISCELLANEOUS HEARINGS

Montgomery J. ROBERT ANDERSON-ch7 7-01-00030 Wick/MC
Motion of Trustee to Reinstate Motion #1 and Permit sale of property free
and clear of liens filed 8/15; d/e # 51 (Mot #1 d/e # 44, filed 4/1) *contd fr 9/18*

Copeland MICHAEL & JUDY HOFFMEISTER 7-01-01546 Callahan/JJ
Motion to Reopen Case; motion to waive fee; to file contempt re: Verizon
**–ORDER of 9/23 granted motion and waived filing fee and directed pleading
be filed in 30 days from date of this order**

Gifford SHARRYL JENNELL-SUTHERLAND-ch7 7-02-00739 Wick/PR
Objections, if any filed, to Notice of Trustee of Intent to sell property filed 8/19;
d/e # 32, 33 *contd fr 9/18*

Farthing ROBERT & GERALDINE BUCKNER-ch7 7-02-02660 Wick/JJ
Motion #2: Avoid lien - filed 9/9; d/e # 15, 16; amended notice to correct date filed
9/11; d/e # 19
Debtors v. Peoples Loan Company; Fred Gilbert, President

Copeland JAMIE & PATRICIA DEEL - Ch. 7 7-02-03197 Wick/NS
Motion # 1: Relief filed 9/16/02 [d/e # 10]
John Deere Construction & Forestry Equipment Co. (Kepley) v. Debtor & Trustee
–ORDER granting relief (consent) entered 9/26; cancels hearing

10:00 A. M. - MISCELLANEOUS HEARINGS

Via WALLACE, SR., & LINDA WILLIAMS - Ch. 13 7-02-01363 Widener/PR
Motion # 1: Avoid lien – *call case on 10/15*
Debtors v. World Finance Corp. ()

Motion # 2: Avoid lien
Debtors v. Commonwealth Finance Co. ()
–ORDER (default) entered 10/11

Note: Confirmation & tr. Obj & mot dismiss/convert set at 1:00

Gifford STEWART & BEVERLY JOHNSON-ch7 7-02-03063 Wick/PR
Motion # 1: Avoid lien , d/e # 14 15
Debtors v. Washington Mutual finance Group LLC c/a Commonwealth
Legal Services Group, LLC/ R/A
–filed with proposed order
–ORDER (default) entered 10/11; cancels hearing

Harman JENNIE GIBSON-ch7 7-02-03256 Wick/JJ
Motion #1: Relief - filed 9/18; d/e # 14, 15
Regions Mortgage Inc (Bryant) v. debtor & trustee
Response filed 9/25; d/e # 16
*Ltr 9/27 from debtor's counsel requesting 9/16/02 and 9/19/02 letters from
Regions Mortgage Inc. Be appended to Debtor's Responsive pleading to support
position.*
–ORDER of 10/3 withdrew Motion #1; cancels hearing

C. Jessee DESKINS SUPERMARKET-ch7 7-99-03384 Callahan/AF
Motion to Approve Compromise & Settlement with Dutt & Wagner
filed by trustee 9/19; d/e # 299
–see also A/P 7-01-138 set for trial 10/30 @ 2:30

F. Harman RICKY & PAMELA LAWSON-ch7 7-02-02435 Callahan/SL
Motion of U. S. Trustee (Garber) to extend debtors' discharge and time for filing
Motion to dismiss or complaint to deny discharge, filed 9/26; d/e # 16

Abingdon Calendar - 10/15/02

10:00 A. M. - MISCELLANEOUS HEARINGS

Pro se DAVID RASNAKE - Ch. 7 7-02-03365 Callahan/SL
Show Cause as to why case should not be dismissed on Debtor's failure to
comply with Court's deficiency order [d/e # 12]

11:00 A. M. - MISCELLANEOUS HEARINGS

Arkema WOODTECH, INC -ch11 7-02-02451 DIP/VS
Status hearing
to be conducted by tel. Conf - Arkema to call visiting chambers @ 11

Copeland S T & J INC--chl1 7-01-03411 DIP/VS
Showcause hearing; if debtor fails to comply with provisions of agreed
order with UST reference 7/23 status hearing—Order of 8/13 directed
Debtor to file Disclosure Statement and Plan of Reorganization by 9/15 [d/e # 95]
*Note: Discl. & plan filed 9/16; discl. Set 10/30 @ 11 ; set 10/16 @ 1:30 on UST Mot
dismiss/convert to complete evidentiary hearing*

Lamie FINE'S JEWELERS, INC. - Ch. 11 7-02-03384 DIP/AF
Debtor's Motion for Extension of Time to Assume/Reject Executory Contract [d/e #19]
Debtor's Motion to Shorten Notice Requirement [d/e # 20]
Response filed by Bristol Mall LLC (Lyle) on 10/11, d/e # 22

Motion to Compel Immediate lease payments & Mot to shorten notice
filed by Bristol Mall LLC (Lyle) on 10/11, d/e # 23, 24

Motion #1: Relief - ***filed 10/11 w/motion to shorten notice; d/e # 25 & 26***
Bristol Mall LLC (Lyle) v. Debtor

Widener JAMES CARVER -ch7 7-01-05314 CallahanVS
Motion of U S. Trustee to Compel Discovery and Motion to Continue 10/16 trial

1:00 P. M. - CHAPTER 13 CONFIRMATIONS

Largen JOE WHITAKER-ch13 7-02-02043 Widener/PR
Mod Plan filed 8/15; d/e # 24, 25, 26

Lamie JERRY & CLARITA WARREN 7-02-02141 Widener/VS
Plan filed 5/20, d/e #6; *contd fr 9/4 to file val. Mots*

Motion for Valuation: '99 Chev. Silverado Truck : Moore Acceptance; filed 9/9
d/e # 16 —**ORDER of 10/8 values vehicle at \$12,225.00, cancels hearing**

Abingdon Calendar - 10/15/02

1:00 P. M. - CHAPTER 13 CONFIRMATIONS

Largen STEPHEN KREJCI-chl3 7-00-01965 Widener/SL
Mod Plan(#5) filed 8/6; d/e #68, 69; CONTD fr 10/1
Trustee's Motion to dismiss/convert filed 7/5; d/e # 67; contd fr8/7 to hear w/mod plan
Trustee's Motion to Dismiss/Convert filed 8/8 [d/e # 70, 71]

Response filed at 10/1 hearing to Relief Mot. #3 --relief mot not filed/ docketed as yet
Case adm. contacted movant atty by phone for follow-up (10/2/02)
Relief Mot. Filed 10/4, d/e # 80 with AFFIDAVIT of service to parties on 9/19
Mot. #3: Relief - Wells Fargo Home Mortgage (Sasser) v. debtors & trustee

Largen/
Snodgrass MARC & KRISTIE HAGA 7-02-01629 Widener/SJ
Plan filed 4/17; d/e # 4, contd fr 7/3, 8/7 and 9/18

Motion for Valuation of 1999 Oldsmobile Silhouette--Bank One, lienholder--
\$26,896.58; value by debtor, \$15,725 [d/e # 24]

Largen RANDALL & CANDIE SKEENS-chl3 7-01-05174 Widener/NS
Mod Plan filed 8/21, d/e # 38, 39
Trustee Report, OBJECTION and showcase: Dismiss or convert filed 8/30; d/e # 41

Largen LARRY & LINDA RIGGINS - chl3 7-02-02202 Widener/SJ
Mod Plan filed 8/29; d/e #15, 16
Trustee showcase: Dismiss or convert, filed 8/7; d/e # 14 *contd from 9/4*

Timoney IRENE NICKOLS-chl3 7-02-02338 Widener/AF
2nd Amended Plan , d/e # 18 , filed 7/23 w/c-s all creditors ; *contd from 9/4*
Objection: Trustee w/Report and Show Cause on Dismissal or Conversion [d/e # 22]

Abingdon Calendar - 10/15/02

1:00 P. M. - CHAPTER 13 CONFIRMATIONS

Largen WILLIAM & SANDRA COOPER 7-02-01473 Widener/PR-MC
Mod Plan filed 7/17; d/e # 17, 19 ; *contd from 9/4*

Motion for Valuation: 1999 Oldsmobile Intrigue : Bank One, filed 9/4; d/e # 26

Graham BARRY CREGGER-chl3 7-02-02388 Widener/AF
Plan filed 6/5; d/e # 6 – *contd from 9/4; D/E # 22 ; 23*
Amended Plan filed 9/16; d/e # 24 ; deficiency; no debtor endorsement
Obj: DaimlerChrysler Services, N.A., LLC (Higgs)
–fur.amended plan filed 10/7; conf set 11/26 @ 1:00

11/26

Trustee Report and Show Cause on Dismissal or Conversion filed 8/7 [# 17]
Trustee Report, OBJ and showcause dismiss/convert; filed 10/2; d/e # 27

Mot for Valuation: Daimler Chrysler Services No. Amer; '99 Ford Pickup, filed 7/18;
D/e # 15 *contd from 9/4*

Carmody HASSEL & GAYLENE JUSTUS 7-01-04945 Widener/SL
Mod Plan filed 7/23 (endorsed copy recd 7/26) , d/e # 42, 43 *contd fr 9/18*

Trustee Show Cause on Dismissal/Conversion [d/e # 21] *contd fr 7/3 & 9/18*
Trustee OBJECTION; showcause: dismiss/convert, filed 8/14; d/e # 34
Trustee Report, OBJECTION and showcause: Dismiss/convert, filed 8/30; d/e # 47

Note: valuation mot set for 11/13 @ 1:00

Carmody CLIFFORD & MONIKA WILLIAMS 7-02-01751 Widener/VS
Plan previously set on 8/7 *contd fr bench 7/23 to hear 9/18; contd fr 9/18*
With trustee's Obj & Showcause filed 6/20; d/e # 15
(Can be confirmed in interim and hrg cancelled if check clears & tr is current)
--ORDER CONFIRMING PLAN ENTERED 10/8; CANCELS HRG

Via WALLACE, SR., & LINDA WILLIAMS - Ch. 13 7-02-01363 Widener/PR
Mod Plan filed 7/1- d/e # 23, 24, *contd fr 8/21 & 9/18 with*
Trustee Objection and Showcause re: Dismiss/convert, d/e # 30

NOTE: valuation motions set at 10:00 a.m.

Abingdon Calendar - 10/15/02

1:00 P. M. - CHAPTER 13 CONFIRMATIONS

Copeland PHILLIP & MARY KNUPP 7-01-03412 Widener/SJ

Mod Plan filed 6/25 d/e # 59, 60 , 61; *contd from 8/7, d/e #68 & 69*

Objection: Trustee's Report w/Show Cause on Dismissal or Conversion [d/e # 62]
(Amended Report w/correct hearing date filed 8/2) [d/e # 63]

Motion of Debtors for approval of sale of house to Mr. Donald Edward Knupp
filed 8/15, d/e # 67 & **Objection:** Trustee [d/e # 73]
(*Heard evidence on 9/18 & contd to obtain appraisal*)

*Note: Objs to claims are set @ 1:30 –below**

1:00 P.M. - MISCELLANEOUS

Largen MARK HARDING - Ch. 7 7-02-00037 Wick/NS
Motion for Order Requiring Ch. 13 Trustee to Pay Funds to Ch. 7 Trustee Upon
Conversion filed by Highlands Union Bank (Hutton)

--See 1:30 p.m. Motion for Relief

1:30 P. M. - MISCELLANEOUS

Copeland *PHILLIP & MARY KNUPP-ch13 7-01-03412 Widener/SJ
Obj (of Debtors) to claim filed with counsel and not filed with court on
behalf of Buck's Food Center in amt of \$48671.73 , d/e # 65 , d/e # 71

Obj of Debtor to claim #5 of Amsouth Bank - surplus funds applied to other
loans; no amendment to proof of claim to reflect payments , d/e # 66, d/e # 70
*–Green certified mail return receipt cards filed evidencing service re Obj to Cl #5 on
8/30; d/e # 72*

Carmody GEORGE & MISTY PRICE - Ch. 13 7-02-02680 Widener/AF
Debtor's Objection to Claim No. 7 of Ameriquet Mortgage Co. in the amount of
\$54,479.03 [d/e # 24]
–ORDER of 9/16 withdrew Obj to Claim #7, cancels hearing, d/e # 28

Motion # 1: Relief–filed 9/30/02 [d/e # 35]
Ocwen Federal Bank, F.S.B. (Whitridge)
(*Deficiency order issued, d/e # 37; no filing fee pd. - PAID 10/2; D/E # 39*)

Copeland BRIAN MITCHELL-ch13 7-01-03831 Widener/VS
Motion #2: relief - filed 9/20; d/e # 67, 68
Citicapital Commercial Corp fka Associates Commercial (Friedberg)
Response filed 9/26; d/e # 69

Abingdon Calendar - 10/15/02

1:30 P. M. - MISCELLANEOUS HEARINGS

Hutchinson HERBERT & BRIDGETT BLEVINS-chl3 7-01-02671 Widener/VS
Motion #1: Relief - filed 9/25; d/e # 24, 26
Security National Servicing Corp (Zimm) v. debtors & trustee
Answer filed 10/1; d/e #27

Largen MARK HARDING - Ch. 13 7-02-00037 */NS
Motion # 2: Relief filed 9/27 [d/e # 39]
Highlands Union Bank (Hutton) v. Debtor & Trustee
–***Note: Case converted to Ch 7 on 10/2; Robt Wick, Ch 7 trustee**

–See also 1:00 p.m. matter

2:00 P.M. - MISCELLANEOUS HEARINGS

Timoney CHADWICK & JENNIFER MARSHALL-chl3 7-01-04650 Widener/SL
Motion of Trustee to convert or dismiss, filed 9/19; d/e # 59

Jessee, J PAUL LAMPKIN-chl3 7-01-03805 Widener/SL
Motion of Trustee to convert or dismiss, filed 9/19; d/e # **30**

Gifford LISA ROSENBALM - Ch. 13 7-02-02004 Widener/JM
Motion # 1: Relief and Co-Debtor Stay [d/e # 23]
Deutsche Bank Nat'l Trust co. (Goldberg) v. Debtor & Margaret J. Elliot
–**ORD dismissing motion (agreed) entered 10/9, cancels hearing**

Abingdon Calendar - 10/15/02

2:00 P. M. - MISCELLANEOUS HEARINGS

Gifford	MARVIN & PAMELA CAIN-chl3	7-02-00486	Widener/JJ
	Motion #1: Relief - filed 9/30; d/e # 46, 47 Homeside Lending (Gershen) v. debtors & trustee <u>Response filed 10/1; d/e # 48</u> –CASE DISMISSED 10/2/02 pursuant to 10/1 hearing		
Lamie	BOBBY & TERRY HOLLAND-chl3	7-02-02189	Widener/AF
	Motion #7: Relief - 1001-1003 W.Fairview Av, Dayton Oh, property Homecomings Financial Network (McQuiddy) v. debtors & trustee filed 9/23; d/e #54 & 57 –Agreed Ord entered 10/9 granted relief, cancels hearing		
	Motion #8: Relief - 2521-2523 N Main St.,Dayton Oh, property Homecomings Financial Network (McQuiddy) v. debtors & trustee filed 9/23; d/e #55 & 58 –Agreed Ord entered 10/9 granted relief, cancels hearing		
	Motion #7: Relief - 31-33 Marathon Ave, Dayton Oh, property Homecomings Financial Network (McQuiddy) v. debtors & trustee filed 9/23; d/e #56 & 59 –Agreed Ord entered 10/9 granted relief, cancels hearing		
Timoney	JERRY FRYE-chl3	7-00-00947	Widener/NS
	Motion #2: Relief - filed 9/23; d/e # 31, 32 Consec Finance Corp (McQuiddy) v. debtor		
Copeland	JOHNNIE BELCHER -ch7	7-02-02177	Wick/LM
	A/P 7-02-00086: <i>Motion of defendant to Dismiss AP obj to discharge*</i> Yonda B. Jones (Matney) v debtor (Copeland) –notice filed 10/2; d/e # 15 for oral argument *		
Abingdon Calendar 10/15/02			
<u>2:00 P. M. - MISCELLANEOUS</u>			
Copeland	EDGAR & HATTIE SHAFFER -chl1	7-01-04468	DIP/AF
	Motion in Limine of U. S. Trustee filed 10/10		

-note: Motion being re-scheduled by UST to hear prior to Trial set on §707(b) mot.10/16 @ 1:30 p.m.

Gifford STEPHEN & PENNEE WILSON-chl3 7-02-00801 Widener/LM
***–Hearing on Motion of defendant Kenneth G. Buchanan (Lyle) for
Judgment on Pleadings (note: ptc set by summons re-issued : 10/30 @ 9:30)***
A/P 7-02-00058: Removal -
Debtors v. Kenneth G. Buchanan (J Lyle), Jo S. Widener (); and
Levi & Lizzie Fisher ()

2:30 P M -TRIAL

Jessee LEROY M. HULL COMPANY, INC. - Ch. 7 7-01-03786 Wick/JJ
A/P 7-01-00169: Recover money or property (contd ptc) SO
Debtor v. E. J. Smith Group, Inc. (Kerstein)
–note: mfsj filed & denied
–note: mot of tr. To approve compromise scheduled 10/30 @ 10:00

A/P 7-01-00170: Recover money or property (contd ptc)
Debtor v. Snapper (Krueger)
--Motion to Amend Complaint granted s
(Agreed order to be tendered by Derdeyn(adm?))

A/P 7-01-00171: Recover money or property (contd ptc) lm
Debtor v Kubota Tractor Corporation (Kerstein)
–Court’s OMOP of 10/9 granted summary jdgt, dismissed AP; cancels hrg.

A/P 7-01-00172: Recover Money or property (contd ptc) SO
Debtor v. Great Plains Capital Corporation (Lyle)

Joint hearing:

Motion #1: Relief
Bush Hog LLC (Bradwell) v. debtor
& Response of Debtor: contd fr 7/23

(settled? - see cc of 10/1 ltr to tr)

with:

A/P 7-01-00168: Recover Money or property
Debtor v. Bush Hog LLC (Bradwell)